

ORDINANCE NO. 2073

AN ORDINANCE AMENDING SELAH MUNICIPAL CODE CHAPTER 6.60, PUBLIC DISTURBANCE NOISES, TO PROVIDE FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY; AND, ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Selah Public Works Department has identified that it would be advantageous to allow city street construction, resurfacing, and utility projects to occur between the hours of seven p.m. to seven a.m. to avoid peak traffic congestion times, detours, road closures, and increase pedestrian safety; and

WHEREAS, the City's existing code Chapter 6.60, Public Disturbance Noises, does not currently provide an exemption or allowance for construction noise generated during the night time hours; and

WHEREAS, the Department, believes that the public noise disturbances generated by the limited duration construction projects outweighs the purpose of Selah Municipal Code Chapter 6.60, as allowing construction at night will greatly reduce the impacts to the traveling public and citizens of the City of Selah during the day time hours; and,

WHEREAS, the Department, therefore, is recommending adoption of an amendment to Chapter 6.60 to address the same; and,

WHEREAS, the City Council of the City of Selah deems it to be in the public interest and for the general health, safety and welfare of the citizens of the City that the amendment to SMC Chapter 6.60 be adopted;

NOW THEREFORE IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH:

Section 1. Chapter 6.60 of the Selah Municipal Code Amended.

Selah, Municipal Code Chapter 6.60 is hereby amended to read as follows:

Chapter 6.60
PUBLIC DISTURBANCE NOISES

Sections:

6.60.010_Purpose.

6.60.020_Content of sound.

6.60.030_Public disturbance noises.

6.60.040_Exceptions.

6.60.050_Violation – Penalty.

6.60.060_Severability.

6.60.010 Purpose.

The purpose of this chapter is to control noise in a manner, which promotes commerce; the use, value and enjoyment of property; sleep and repose; and the quality of the environment. (Ord. 1176 § 1, 1994.)

6.60.020 Content of sound.

The content of the sound shall not be considered in determining whether a violation of this chapter has occurred. (Ord. 1176 § 1, 1994.)

6.60.030 Public disturbance noises.

It is unlawful for any person to cause or make, or for any person to cause in possession of property to allow to originate from the property, sound which is a public disturbance noise. Public disturbance noises include the following sound or combinations of sounds:

(a) Loud and raucous, or frequent, repetitive or continuous sounds made by any horn or siren attached to a motor vehicle, except such sounds that are made to warn of danger or that are specifically permitted or required by law;

(b) Loud and raucous, or frequent, repetitive or continuous sounds created by musical instruments, audio sound systems, band sessions, or other devices capable of producing, amplifying or reproducing sound which unreasonably disturbs or interferes with the peace, comfort and repose of another and can be clearly heard by a person of normal hearing at a distance of fifty feet or more from the property from which the sound originates;

(c) Yelling, shouting, hooting, whistling or singing on or near city streets, particularly between the hours of eleven p.m. and seven a.m., or at any other time and place which unreasonably disturbs or interferes with the peace, comfort and repose of another;

(d) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of another;

(e) Sound from a motor vehicle audio system, such as a radio, tape player or compact disc player, which is operated at such a volume that it can be clearly heard by a person of normal hearing at a distance of fifty feet or more from the vehicle itself;

(f) Sound from portable audio equipment, such as a radio, tape player or compact disc player, which is operated at such a volume that it can be clearly heard by a person of normal hearing at a distance of fifty feet or more from the source of the sound. (Ord. 1176 § 1, 1994.)

6.60.040 Exceptions.

The provisions of this chapter shall not apply to:

(a) Regularly scheduled community events, such as public concerts, or public ceremonies; and

(b) Regularly scheduled parades held in the city; and

(c) Preparation for sporting events, public concerts or public ceremonies.

(d) City of Selah public works projects (including work by outside agencies) that involve street construction, resurfacing, and utility work that the City Public Works Director deems are in the best interest of the city to conduct during the night time hours of 7 p.m. to 7 a.m. to avoid peak traffic congestion, detours, road closures, and increase pedestrian safety.

6.60.050 Violation – Penalty.

Any person, company or organization violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be punished by imprisonment not to exceed ninety days and/or a fine not to exceed one thousand dollars. (Ord. 1998 § 1, 2016; Ord. 1176 § 2, 1994.)

6.60.060 Severability.


If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not

affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.
(Ord. 1176 § 3, 1994.)

Section 2. Severability/Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases were unconstitutional or invalid.


Section 3. Effective Date. This ordinance shall be in full force and effect 5 days after its passage and publication as required by law.

Done this 9th day of April, 2019.



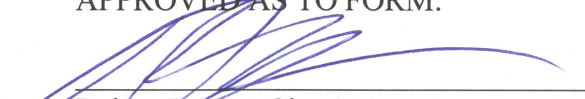
Sherry Raymond, Mayor

ATTEST:



Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:



Robert F. Noe, City Attorney

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